

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

LEO HARDY,

CASE NO. 13-CV-769-JPS

Plaintiff,

v.

CITY OF MILWAUKEE, OFFICER MICHAEL
GASSER, OFFICER KEITH GARLAND, JR. and
OFFICER MICHAEL VALUCH, JR.,

Defendants.

**DEFENDANTS' RULE 59(E) MOTION
TO AMEND OR ALTER THE JUDGMENT**

Defendants, City of Milwaukee, Officer Michael Gasser, Officer Keith Garland, Jr. and Officer Michael Valuch, Jr. ("Defendants"), by and through their attorneys, Crivello Carlson, S.C., hereby move the Court, the Honorable J.P. Stadtmueller presiding, for an order, pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, amending or altering the Court's August 21, 2014 Judgment (Docket No. 210) due to manifest errors of law as follows:

- 1) Eliminating the \$250,000.00 in punitive damages awarded to the Plaintiff from Officer Gasser;
- 2) Alternatively, reducing the award of punitive damages consistent with federal common law and Officer Gasser's due process constitutional guarantees;
- 3) Eliminating the \$250,000.00 in punitive damages awarded to the Plaintiff from Officer Garland;

4) Alternatively, reducing the award of punitive damages consistent with federal common law and Officer Garland's due process constitutional guarantees; and

5) Eliminating the Judgment and award of \$1,000.00 in compensatory damages in favor of the Plaintiff and against Officer Gasser and Officer Garland relative to the false arrest claim based on the Plaintiff's testimony that established the existence of probable cause for the arrest as a matter of law.

This Motion is made based upon the pleadings and record on file with the Court, including the trial transcript (Docket Nos. 215-218), Defendants' Brief in Support of their Motion and the Defendants further incorporate by reference all of their previous filings and arguments including, but not limited to, their previously filed motions, supporting memoranda, pre-trial submissions, objections and offers of proof.

Dated this 18th day of September, 2014.

By: /s/ Samuel C. Hall, Jr.
SAMUEL C. HALL, JR.
State Bar No. 1045476

Attorneys for Defendants, City of
Milwaukee, Officer Michael Gasser, Officer
Keith Garland, Jr. and Officer Michael
Valuch, Jr.

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